THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16519 of 2006

Date : 7-8-2006

Between:

1. Sameer R.Damani s/o.late Rajnikanth
   B.Damani
2. Dhaval R.Damani s/o.late Rajnikanth
   B.Damani ..
Petitioners

And

1. State of Andhra Pradesh,
   represented by its Secretary,
   Ministry of Municipal Administration,
   Secretariat Buildings, Hyderabad.
2. Municipal Corporation of Hyderabad,
   represented by its Commissioner,
   Tank Bund road, Hyderabad. ..
Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16519 of 2006

ORDER:

The Writ Petition is filed for a Writ of Mandamus to set aside notice dated 5-8-2006 issued under Section 636 of Hyderabad Municipal Corporation Act 1955 as illegal, contrary to law without jurisdiction, contrary to the provisions of the Hyderabad Municipal Corporation Act and to pass such other suitable orders.

It is stated that the petitioners had purchased the flats on 6-4-2006 and the owners of the land applied for permission to make alterations and reconstruction on 2-5-2005, but the respondent had neither accorded sanction nor rejected the said application and as such the owners after issuing notice under Section 440 of the Hyderabad Municipal Corporation Act on 5-6-2005 had commenced the construction as per the plan submitted and the constructions were completed and the owners had sold the property to various purchasers. The original owners filed

O.S.No.213/2006 on the file of Chief Judge, City Civil Court, Hyderabad and obtained status quo orders in I.A.No.1582/2006 on 19-6-2006. It is also stated that the impugned notice was issued on 5-8-2006 under Section 636 of the Hyderabad Municipal Corporation Act.

The man grievance of the petitioners is that the impugned notice is issued straight away under Section 636 of the Hyderabad Municipal Corporation Act without there being a notice under Section 452 of the said Act. In view of the facts and circumstances explained, the petitioners are permitted to treat this notice as show cause notice and the petitioners are given liberty to file their objections within a period of two weeks and the 2nd respondent to consider such objections and after taking a decision to further proceed in accordance with the Hyderabad Municipal Corporation Act 1955 and the Rules made thereunder and till then not to proceed with any demolition activity whatsoever.

With the above directions, the Writ Petition is disposed of. No costs.

_____

Justice

P.S.Narayana

Date : 7-8-2006

AM